

United States District Court
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SCOTT EMERSON FELIX,

No. C 01-03138 WHA

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Petitioner,

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SHERIFF MICHAEL HENNESSEY,
Warden,

ORDER VACATING HEARING

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Respondent.

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16 Respondent has filed a motion to dismiss Scott Emerson Felix's petition for writ of
17 habeas corpus. Respondent challenges the petition on timeliness and exhaustion grounds, and
18 also argues that certain claims in the petition pose no federal question. A hearing on the motion
19 is currently scheduled for November 13, 2008, at 8:00 a.m. Both petitioner and respondent
20 indicate that they do not object to the Court deciding the motion without oral argument.
21 Petitioner's counsel also requests that, if the Court wishes to hear argument on the motion, she
22 be permitted to appear telephonically pursuant to Civil Local Rule 7.1(b).

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The Court finds that oral argument is unnecessary and will decide the motion on the
24 papers. The November 13 hearing is therefore **VACATED**.

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IT IS SO ORDERED.

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Dated: November 5, 2008

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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